



Lincoln-Lancaster County Health Department
Environmental Public Health Division – Air Quality Program
3140 N Street, Lincoln, NE 68510

Outdoor Smoking Area Compliance **Guidance Document**

Purpose: The intent of this document is to provide proprietors with guidance on how to comply with the Nebraska Clean Indoor Air Act (NCIAA) requirements for a compliant *outdoor* smoking area.

Requirements: Neb. Rev. Stat. §71-5723 defines an indoor area as an area enclosed by a floor, a ceiling, and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows and in which less than twenty percent of the total wall area is permanently open to the outdoors. For walls in excess of eight feet in height, only the first eight feet shall be used in determining such percentage.

Therefore, to meet the requirements of a compliant outdoor smoking area, and thus allow smoking, an area must meet one of the following criteria:

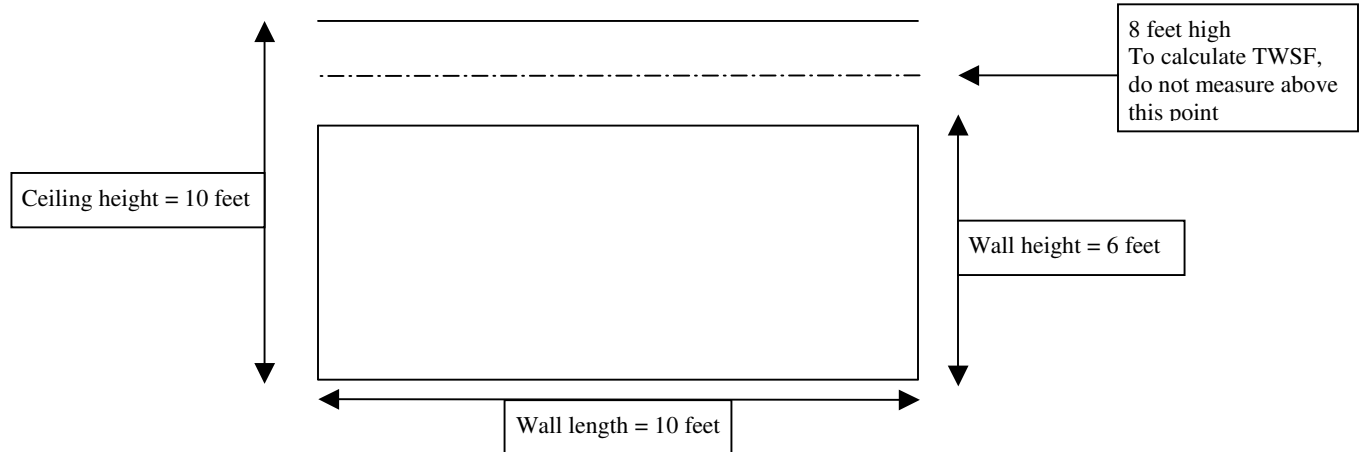
1. Have no ceiling at all, nor any other type of covering over the area; or
2. Have at least 20% permanently open wall space relative to the total square footage of the walls (see below).

Note: Any material obstructing the open space (including, but not limited to screens, signs, shades, blinds, bars, fencing, etc.) must be subtracted from the total open space. See Title 178 NAC Chapter 7 regulations for the definition of a wall.

**THE FOLLOWING THREE PAGES CONTAIN EXAMPLES OF HOW TO CALCULATE THE OPEN SPACE FOR
A WALL IN AN OUTDOOR SMOKING AREA.**

Example #1

For this example, there is a 6 foot privacy fence (wall) enclosing the outdoor area on three sides, with the fourth side being adjacent to the proprietor's building. The ceiling is 10 feet high, and each wall is 10 feet long. The available open space provided for compliance is located between the 6-foot tall fence, and the 10-foot tall ceiling. Because one wall is adjacent to the existing building, that wall shall be considered totally enclosed.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft X 10 ft. = 80 sq. ft.

All walls = 80 sq. ft. X 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

RPOS = 320 X 0.20 = 64 sq. ft.

Measuring Permanent Open Space Present (POSP)

Each non-adjacent wall = 4 ft. X 10 ft = 40 sq. ft.

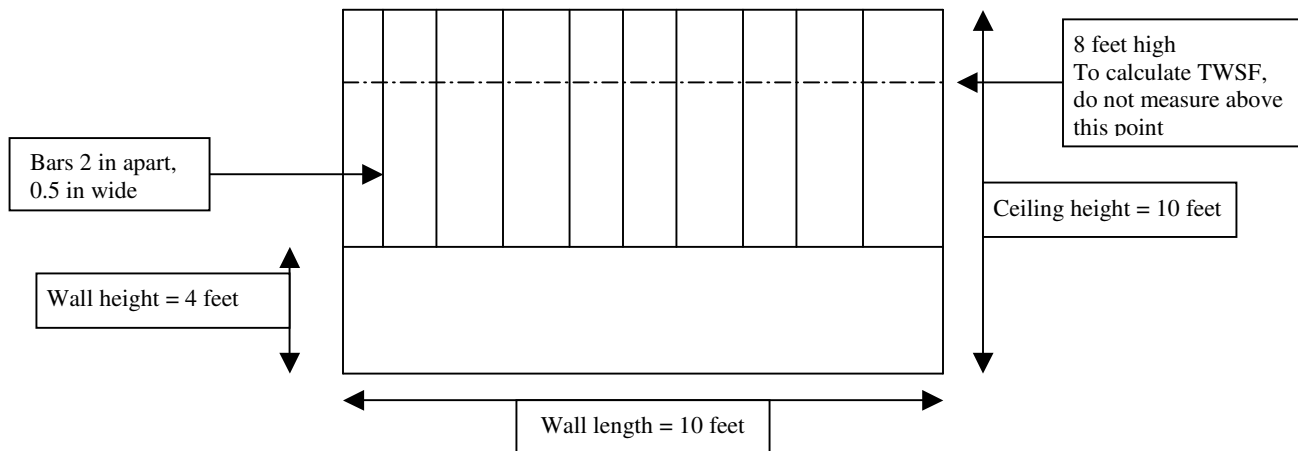
POSP = 40 sq. ft. X 3 walls = 120 sq. ft.

POSP = 120 sq. ft.

Conclusion: This outdoor smoking area contains 120 square feet of open space, which is greater than the required 64 sq. ft. Therefore, this outdoor smoking area is in compliance.

Example #2

For this example, there is a stand-alone smoking area with 4-foot walls enclosing the outdoor area. The open space contains security bars 2 inches apart, 0.5 in wide, and 8 ft high to the ceiling. Each wall is 10 feet long.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft X 10 ft. = 80 sq. ft.

All walls = 80 sq. ft. X 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

$320 \times 0.20 = 64$ sq. ft.

Measuring Permanent Open Space Present (POSP)

Each wall = 6 ft. X 10 ft = 60 sq. ft.

All walls = 60 sq. ft. X 4 walls = 240 sq. ft.

Security bars = 0.5 in wide = 0.042 feet wide and 2 in apart = 6 bars per foot = 60 bars each wall
 $0.042 \text{ ft. wide} \times 6 \text{ ft. high} \times 60 \text{ bars} = 15.12 \text{ sq. ft. each wall}$
 $15.12 \text{ sq. ft.} \times 4 \text{ walls} = 60.48 \text{ sq. ft.}$

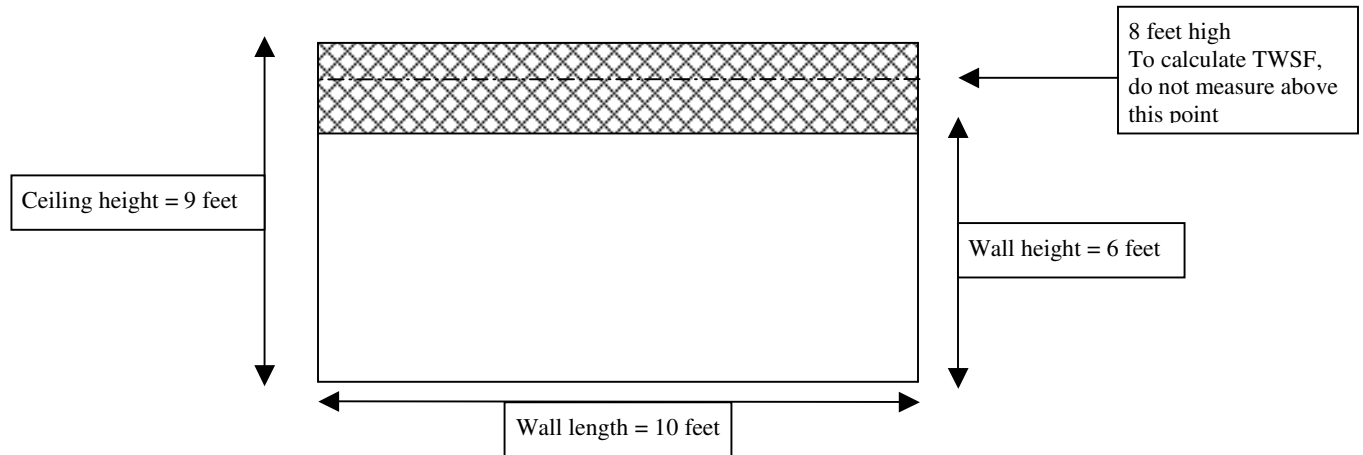
$\text{POSP} = 240 \text{ sq. ft.} - 60.48 \text{ sq. ft. (security bars)} = 179.52 \text{ sq. ft.}$

POSP = 179.52 sq. ft

Conclusion: This outdoor smoking area contains approximately 180 square feet of open space, which is greater than the required 64 sq. ft. Therefore, this outdoor smoking area is in compliance.

Example #3

For this example, there is a 6 foot privacy fence (wall) enclosing the outdoor area on three sides, with the fourth side being adjacent to the proprietor's building. The ceiling is 9 feet high, and each wall is 10 feet long. The available open space provided for compliance is located between the 6-foot tall fence, and the 9-foot tall ceiling, but the open space is obstructed by decorative lattice. Calculations have shown that this particular lattice-work obstructs 50% of the open space. Because one wall is adjacent to the existing building, that wall shall be considered totally enclosed.



Calculating Total Wall Square Footage (TWSF)

Each wall = 8 ft X 10 ft. = 80 sq. ft.

All walls = 80 sq. ft. X 4 walls = 320 sq. ft.

TWSF = 320 sq. ft.

Calculating Required Permanent Open Space (RPOS)

NPOS = 320 X 0.20 = 64 sq. ft.

Measuring Permanent Open Space Present (POSP)

Each non-adjacent wall = 3 ft. X 10 ft = 30 sq. ft.

POSP = 30 sq. ft. X 3 walls X 50% (lattice) = 45 sq. ft.

POSP = 45 sq. ft.

Conclusion: This outdoor smoking area contains 45 square feet of open space, which is less than the required 64 sq. ft. Therefore, this outdoor smoking area is **not** in compliance. This smoking area MAY be brought into compliance by removing some of the lattice-work from the openings.
